

**Title 10 – Department of Natural Resources
Division 23 – Division of Geology and Land Survey
Chapter 1 – Definitions and Organizational Structure**

PROPOSED AMENDMENT

1.050—Qualifications

PURPOSE: This rule establishes the criteria and procedures used in permitting a well installation, heat pump installation, monitoring well installation, pump installation, employee or drilling supervisor contractor in Missouri.

(1) All applicants for a nonrestricted **water** well installation, heat pump installation, monitoring well installation, monitoring test-hole installation, and pump installation contractor permits shall meet the following requirements:

(A) Applicant must submit the testing application, supplied by the division, and appropriate testing fee;

(B) Applicant must pass the general test (open book) with a minimum score of seventy percent (70%);

(C) After passing the general test, applicant must submit an apprenticeship application, supplied by the division. The apprenticeship application must be accompanied by the appropriate permit fee, and must be signed by the nonrestricted permittee who will be responsible for the apprenticeship and apprentice's work. *[;]* **Permittees who have had major enforcement actions taken against them, (includes but is not limited to, settlement agreements, orders, consent judgments, suspension or revocation) may not serve as an apprentice's responsible party for a period of (1) year from the date of the division or court's signature on the final enforcement documents;**

(D) After approval of the application for apprenticeship, the division will issue the applicant a permit number for use during the apprenticeship;

(E) Applicant must be an apprentice for a period of two (2) years;

(F) During the two (2)-year apprenticeship, the apprentice must perform the type of work **for the permit type being** applied for and sign and submit the appropriate certification or registration form on at least:

1. Twenty-five (25) different water well installations;
2. Twenty-five (25) different pump installations;
3. Ten (10) different heat pump **system** installations; *[and/or]*
4. Twenty (20) different monitoring well sites; **and/or**
- 5. The plugging of abandoned wells may be counted for up to ten percent (10%) of all the required number of installations.**

(G) If apprentice cancels the apprenticeship, he/she may reapply, within one (1) year of termination. If the application is approved, apprentice will be reinstated at the same status as at the point of termination;

(H) Applications submitted from work performed by an apprentice in other states will be considered as long as the corresponding state has construction requirements similar to the requirements of the state of Missouri, **as determined by the division;**

(I) The nonrestricted permittee responsible for the apprentice must also sign the required certification/registration form as the installation contractor and submit the form and appropriate fee to the division.

(J) At the end of the two (2)-year apprenticeship, the apprentice must submit a testing application and the appropriate testing fee for the specific (closed book) test;

(K) If, at the end of the two (2)-year period, the apprentice has not completed the required number of installations, the apprentice may apply to extend the apprenticeship on a year-by-year basis; **if apprentice does not re-apply, within thirty (30) days of their renewal date, the apprenticeship will be cancelled.** *[and]*

(L) After completion of the apprenticeship period and passing the specific test, the apprentice must submit a contractor application, supplied by the division, with appropriate fees. After approval of the application, the division will issue the apprentice a nonrestricted permit.

(2) The apprentice may transfer to another company; however, a nonrestricted permittee must sign as the responsible party for the apprentice. The apprentice may apply to transfer to another company by submitting a new apprenticeship application to the division. **If an apprentice requests to be permitted under more than one company, the apprentice must submit the appropriate application and fee, for each company. Apprentice will be issued separate permit numbers for each company under which they serve as an apprentice. A nonrestricted permittee, from each company, must sign the application as the responsible party for each company.**

(3) **Applicants for a nonrestricted permit, who were previously permitted with the state, as evidenced by a department issued permit number, which was in good standing, as determined by the department, are exempt from the requirements of 10 CSR 23-1.050 (1)(C) through 10 CSR 23-1.050 (1)(L) and provision 10 CSR 23-1.050 (3)(C) below. These applicants may only apply for the same type of permit as held previously without being subject to the requirements of 10 CSR 23-1.050 (1)(C) through 10 CSR 23-1.050 (1)(L).** Applicants for *[the]* a nonrestricted permit who *[hold a valid permit that is in good standing in another state, with requirements similar to the state of Missouri's requirements, as determined by the division who is]* currently **hold a different type of contractor permit with the State of Missouri, *[permitted with the state of Missouri]* as evidenced by a department issued permit number, which is in good standing, as determined by the division, and wish to be exempt from the requirements of 10 CSR 23-1.050 (1)(C) through 10 CSR 23-1.050 (1)(L),** must submit the testing application, appropriate testing fee, and proof of the valid permit to be scheduled for the test. After passing the general (open book) and specific (closed book) tests with a minimum score of seventy percent (70%) on each test, the applicant must submit *[each of the following]* **10 CSR 23-1.050 (3)A – 10 CSR 23-1.050 (3)C** to the division within thirty (30) days:

- (A) A contractor application;
- (B) Vehicle application, supplied by the division, for each drilling rig, pump truck, or service rig which will be used by the permittee and appropriate fee, **unless the vehicle is already permitted under another company contractor;**
- (C) Proof of financial responsibility in the form of a surety bond, certificate of deposit (CD), or irrevocable letter of credit in the amount of twenty-five

thousand dollars (\$25,000). The bond, CD, or letter of credit shall be **subject to the following:**

1. **It must be p[P]**laced on file with the division;
2. **It must be m [M]**ade payable to the Department of Natural Resources;
3. **It must be i[I]**ssued by an institution authorized to issue such bonds in this state;
4. **A c[C]**ertificate of deposit (**CD**) must be automatically renewable for timeframe covering the apprenticeship; and
5. Any interest on the certificates of deposit shall be made payable to the permittee.
6. **If the bond, CD or letter of credit is cancelled by the issuing agent, permittee must submit new proof of financial responsibility within thirty (30) days of cancellation.**

([D]7) The requirement for proof of financial responsibility shall cease after two (2) consecutive years of permitted activity if the contractor does not have any outstanding notices of violation against their permit. If the contractor does not have any outstanding violations at the end of the two (2)-year period, the bond or letter of credit will be returned to the contractor within thirty (30) days of the end of the two (2)-year period;

([E]8) If *[, at the end of those two (2) years]*, the division has found that the contractor has failed to meet the construction standards set forth in the Missouri Well Construction Rules, the division shall notify the contractor, within sixty (60) days, that the bond, **CD** or letter of credit will be forfeited and the moneys placed in the Groundwater Protection Fund for remedial action, if the permittee does not bring the well **or wells** up to the standards established in the notice of violation(s) within **thirty (30) days.**

[the timeframes determined by the division]. The division may, *[upon]* **then** *[expiration of the notification period,]* expend whatever portion of the bond, **CD** or letter of credit is necessary to hire another contractor to bring the wells or boreholes up to the standards set forth in the notice of violation(s) or to plug the well(s) and construct a new well(s).*[: or]*

(9) Monies forfeited from the proof of financial responsibility and deposited in the Groundwater Protection Fund may be used by the department to remediate the contractor's violations.

*([F]10)*If *[, at the end of those two (2) years,]* the division has found that the contractor has outstanding violations against the administrative standards set forth in the Missouri Well Construction Rules, the division shall notify the contractor, within sixty (60) days, that the bond, **CD** or letter of credit will continue to be held as a condition of permit renewal for a period of another two (2) years, **if the contractor does not resolve outstanding violations within thirty (30) days. The contractor must renew the bond, CD or letter of credit for another two (2) years within thirty (30) days of notification or permit will be subject to enforcement action which may include suspension or revocation.**

- (4) A special restricted permit and examination are available, upon request, for those persons who only drill unconsolidated material wells or set pumps in them. To be scheduled for this type of restricted examination, an application must be received at least fifteen (15) days prior to the testing date for which the applicant wishes to be scheduled. If a restricted permittee is found to be drilling or setting a pump in a type of material they are not permitted to operate in, they will be subject to appropriate enforcement action.
- (5) Information on where to obtain applicable study material will be available to each applicant prior to testing.
- (6) A testing schedule will be available upon request of the applicant.
- (7) A completed application for testing must be received fifteen (15) days prior to the testing date for which the applicant wishes to be scheduled. The division will notify the applicant within ten (10) days from receiving the completed application for testing if the applicant has qualified to take the test applied for and the date of the next available test. The testing fee is due before the test is given. **A separate application and fee must be paid for each attempt to pass a test.**
- (8) A minimum score of seventy percent (70%) on the general test and a minimum score of seventy percent (70%) on each required specific test must be achieved by the applicant prior to being permitted. The applicant will be sent the results of the test as soon as possible. If applicant has a passing score, the appropriate applications for permit will be included with the results.
- (9) **If the applicant fails to pass a test on the initial test date, the following timeframes for retesting shall apply:** *[All retakes must be accompanied by the testing fee.]*
- (A) Second test date shall be no sooner than thirty (30) days after the initial test date;**
 - (B) Third test date shall be no sooner than sixty (60) days after the second test date;**
 - (C) Fourth and all subsequent test dates shall be no sooner than one hundred eighty (180) days from the previous test date.**
 - (D) All retakes must be accompanied by the testing fee at the time of the retake.**
- (10) If a request is made and documented more than thirty (30) days in advance, the exam may be taken orally. The same exam will be given and the same results must be achieved on an oral exam as for a written exam. Due to the special nature of this type of exam, special scheduling dates will be necessary. People with disabilities requiring services or accommodations can make arrangements by contacting the division.
- (11) Any applicant who does not agree with his/her test results may appeal to the Well Installation Board.
- (12) If an applicant wishes to withdraw his/her application for testing, s/he may do so by requesting, in writing, ten (10) days in advance. If the applicant does not cancel as stated and is not present for the test, they may reschedule up to two (2) times. If after the second reschedule the applicant does not appear, the testing application will be cancelled and the fee will be forfeited. If the applicant wishes to take the test after the testing application has been cancelled, they must reapply and submit the appropriate fee.
- (13) Persons who contract the drilling of wells, installation of pumps, or both, but do not drill the wells or set the pumps, must be a permitted well installation, heat pump

installation, monitoring well installation, monitoring test-hole installation, or pump installation contractor, or any combination of these. The only test required is the general (open book) test. A restriction must be placed on the permit which states that any well drilling or pump work contracted be done by a nonrestricted permitted installation contractor. Persons who wish to apply for this type of exam shall submit the testing application and appropriate fees.

(14) A nonrestricted permitted well installation, heat pump installation, monitoring well installation, monitoring test-hole installation, pump installation contractor, or any combination of these, **from the company responsible for the apprentice**, must be present at all times during the apprentice's initial number of installations (see subsection (1)(F) of this rule). The nonrestricted permittee must be on site during the initial installations (see subsection (1)(F) of this rule) while a well is being drilled and completed, a pump is being set, or any combination of these. **The nonrestricted permittee on site must hold the same type of permit as the type of work being performed by the apprentice.**

(15) **A nonrestricted permittee or an apprentice who has completed their required number of installations must be on site at all times during all work performed that is regulated by the Missouri Well Construction Rules.**

(16[5]) Persons who wish only to drill the heat pump hole and grout the closed-loop into the heat pump hole must obtain a permit to do so. The permit will be restricted to the previously mentioned activities and a current nonrestricted water well installation contractor's permit is required as one (1) of the qualification criteria. Those people who wish to apply for this type of heat pump installation contractor's permit that have a valid nonrestricted water well installation contractor permit must take only the general test covering heat pump construction.

(17 [6]) Applicants for contractor permits who do not meet the requirements set out in this rule may petition the board. The board has the authority to rule upon the qualifications of the applicants and may require additional evidence of qualifications.

*AUTHORITY: sections 256.606, 256.607, 256.611, 256.613 and 256.626, RSMo (1994).**
Original rule filed April 2, 1987, effective July 27, 1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed July 13, 1994, effective Jan. 29, 1995. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed November 3, 2008, effective February 28, 2009.

**Original authority: 256.606, RSMo (1991); 256.607, RSMo (1985), amended 1991; 256.611, RSMo (1985), amended 1991; 256.613, RSMo (1991); and 256.626, RSMo (1985), amended 1991.*

PUBLIC COST: This proposed amendment will not cost state agencies more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Geology and Land Survey, Sheri Fry, PO Box 250, Rolla, MO 65402 or via e-mail at sheri.fry@dnr.mo.gov.

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